

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**PHILIPS LIGHTING ENTERTAINMENT,
A DIVISION OF PHILIPS ELECTRONICS
NORTH AMERICA CORP.,**

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide relief to Kewanda Lawson. The Commission alleges that Defendant, Philips Lighting Entertainment, a Division of Philips Electronics North America Corp. (hereafter "Defendant"), violated Title VII by subjecting Kewanda Lawson to a sexually hostile work environment based upon her sex, Female.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §451, 1331, 1337, 1343, 1345. This action is authorized and instituted pursuant to Section 706(1)(f) and (3) of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C §2000e-5(f) (1) and (3), and

Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (“Commission”), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been and is now doing business in the state of Texas and the city of Dallas, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kewanda Lawson filed a charge with the Commission alleging a violation of Title VII of the Civil Rights Act of 1964, as amended, by Philips Lighting Entertainment. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 2007, the Defendant has engaged in unlawful employment practices at its Dallas location in Texas, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting Kewanda Lawson to a sexually hostile work environment. The

EEOC alleges that, during her employment with Defendant, Lawson was subjected to unwanted sexual conduct by her supervisor, Trent Bertrand, and by male employees in the warehouse with whom she worked, including Nakia Brown and Bobby Smith. The unwanted sexual conduct occurred throughout Lawson's employment with Defendant and included, but was not limited to, incidents where one or more of these employees directed unwanted sexual comments to her, made sexual advances towards her, touched her in a sexual manner, made derogatory comments towards Lawson based on her gender, and exposed his penis in her presence. When Lawson's efforts to have the harassment stop were unavailing, she complained to members of management about the harassment, but Defendant failed to prevent or correct the unwelcome sexual harassment, and failed to take prompt, remedial action.

8. The result of the foregoing practices has been to deprive Kewanda Lawson of equal employment opportunities because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Kewanda Lawson

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex, or which facilitates, condones or encourages employees to create a sexually hostile environment.

B. Order the Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for Kewanda Lawson and eradicate the effects of its past and present unlawful unemployment practices.

C. Order the Defendant to make whole Kewanda Lawson by providing appropriate pecuniary damages, including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of the Defendant's unlawful employment practices.

D. Order the Defendant to make whole Kewanda Lawson by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Kewanda Lawson punitive damages for its malicious conduct or reckless indifference described in paragraphs 7 and 10 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

P. DAVID LOPEZ
General Counsel

GWENDOLYN Y. REAMS
Associate General Counsel

/s/ Robert A. Canino
ROBERT A. CANINO
Regional Attorney
Oklahoma State Bar No. 011782

/s/ Toby W. Costas
TOBY W. COSTAS
Supervisory Trial Attorney
Texas State Bar No. 04855720

/s/ Devika Seth
DEVIKA SETH
Senior Trial Attorney
District of Columbia Bar No. 975161

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Dallas District Office
207 South Houston Street, 3rd Floor
Dallas, Texas 75202
(TEL) (214) 253-2764
(FAX) (214) 253-274